

**REPORT - PLANNING COMMISSION MEETING**  
**April 22, 2004**

**Project Name and Number:** Palo Alto Medical Foundation Medical Building #2 (PLN2004-00139)

**Applicant:** Palo Alto Medical Foundation

**Proposal:** To consider a Planned District Major Amendment to P-80-13 for site plan and architectural approval of Phase II of a three-phase project. The project is a three-story, 73,600 square foot medical office building, two levels of underground parking, its associated surface parking and landscaping.

**Recommended Action:** To recommend approval to the City Council based on findings and subject conditions

**Location:** At the corner of Stevenson Boulevard and Paseo Padre Parkway near 3200 Kearney Street in the Central Planning Area.

**Assessor Parcel Number(s):** 525-1647-018 -00

**Area:** The lot is 7.41 acres in area. The building size is proposed to be 73,600 square feet. A 58,400 square foot medical office building currently exists on site.

**Owner:** Palo Alto Medical Foundation

**Agent of Applicant:** David G. Jury

**Consultant(s):** Henry C Mahlstedt, AIA, Hawley, Peterson & Snyder Architects

**Environmental Review:** A Mitigated Negative Declaration has been prepared for this project

**Existing General Plan:** C-B-D, Central Business District

**Existing Zoning:** P-80-13

**Existing Land Use:** The site is surrounded by office uses and professional services. There is an active medical building onsite. This proposal is an expansion of that use.

**Public Hearing Notice:** A total of 82 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Kearney Street, Liberty Street, Paseo Padre Parkway and Stevenson Boulevard. The notices to owners and occupants were mailed on Friday, April 9, 2004. A Public Hearing Notice was delivered to The Argus on April 5, 2004 to be published by April 8, 2004.

**Executive Summary:** The applicant is requesting a Planned District Amendment for site plan and architectural approval of the second phase of a three-phase medical office project. The second phase includes a 73,600 square foot, three-story medical facility, a two level underground parking structure, surface parking, landscaping and patio areas.

**Background and Previous Actions:** On September 11, 1980, the City Council approved a General Plan Amendment (GPA-79-12) and a Planned District (P-80-13) for the development of a commercial business park on a 20.6 acre parcel located at the intersection of Paseo Padre Parkway and Stevenson Boulevard in the Central Business District. The plan included the construction of four office buildings, plus four additional building sites. The central focal point for the complex was to be a fourteen-story high-rise building containing 257,656 square feet of office space. Adjoining the office tower, a four-story building and a two-story building were proposed containing 36,808 square feet and 73,616 square feet of floor area. In addition, the proposal included a single-story building located on the corner of Liberty Street and Kearney Street. The office buildings were proposed to be designed with a pedestrian plaza to create a corporate office complex or campus.

In September 1982, the City Council approved an amendment to the Planned District for modifications to the site plan. The amended site plan contained a twelve-story structure with two four-story structures. The buildings were proposed to be connected by a pedestrian plaza and landscaped areas. One of the four-story buildings has been built on the site.

On June 24, 1997, the City Council approved an amendment to the Planned District, which allowed for modifications to the site plan. The amended site plan contained a two-story, 58,400 square foot medical office building. Prior to the City Council approval the applicant, Palo Alto Medical Foundation, had expressed an interest in building a second phase to this development. The proposed second phase would have been a two-story 41,000 square foot medical office building. During the discussion with the Planning Commission, concerns arose about the underutilization of this Central Business District site. Planning Commissioners of the time asked the applicant to reconsider increasing the size of the second phase if it was to be built. This was to be addressed at such time the second phase of this project was submitted for site plan and architectural review.

**Project Evolution:** During the approval process of Palo Alto Medical Foundation Building #1 (Phase I), the Planning Commission expressed concerns about the then future plans to develop a second phase of the project with only a two-story building. As explained above, the Planned District was created with a fourteen-story office building as a central focus point. The Planned District has developed without a building of that height. However, the Central Business District Concept Plan (CBDCP), adopted by the City Council November 6, 2001, designates this area as the "South of Walnut Area". It states: "The South of Walnut Area would continue to be characterized by essentially the same type of development as is already occurring in the area" (CBDCP, page 34). It would be an area that contained developments of between one and six stories (CBDCP, page 25). In 1997, the Planning Commission encouraged the applicants to increase the height of the building in the next phase to better utilize the site. The applicant submitted this Phase II application, with a building to be built at a later time as Phase III. Both Phase II and Phase III are proposed to be three-story buildings with two of levels of underground parking. The building being reviewed by the Planning Commission is the Phase II building. The Phase III building will be brought before the Planning Commission to be reviewed separately at such time the applicant is ready to proceed.

When the plan was originally submitted, there were concerns about the site's design as it pertained to the Central Business District Concept Plan. The placement of the Phase III building did not conform to the intent of the CBDCP. Since a two-level underground parking structure would be a part of this approval, as well as part of the approval of the Phase III building, it was determined that the footprint of the Phase III building would need to be identified and brought into conformance. When originally submitted, the Phase III building was setback on the property to allow for the surface parking. After review, the City asked the applicant to apply the CBDCP design guidelines. The applicant did so, resubmitting the design currently before the Planning Commission.

**Project Description:** The project consists of a Planned District Amendment for site plan and architectural approval of Phase II of a project approved by Planned District Amendment in 1997. The project is a three-story, 73,600 square foot medical office building, two levels of underground parking, its associated surface parking and landscaping. The current parking proposal is to add 305 parking stalls to the 292 required by the first phase. Although the site plan for this project includes the footprints of buildings included in Phases I, II, and III, the architectural review is for the Phase III building only. Phase I was approved in 1997 and currently exists on the property. Phase III will require a separate review by the Planning Commission prior to its construction.

## **PROJECT ANALYSIS:**

**General Plan Conformance:** The existing General Plan land use designation for the project site is C-B-D Central Business District. The proposed project is consistent with the existing General Plan land use designation for the project site because the C-B-D designation allows for office uses as well as medical uses (Policy LU 2.4). According to the General Plan, "the CBD is intended to be a high intensity, pedestrian oriented office, medical, civic, entertainment and business nucleus. The use for the proposed building conforms to the requirements and intent of the General Plan land use designation for the project site. There are other policies in the General Plan that address the design and development of the CBD.

To orient site design and building development toward pedestrians and transit, Policy LU 2.7 states that the City can compel applicants to design the urban spaces "to maintain an active pedestrian environment by, encouraging the orientation of buildings towards the streets, sidewalks or public plazas. Policy LU 2.8 states that development shall

provide safe, convenient and continuous pedestrian walkways linking building entrances to street sidewalks and linking building entrances to adjacent building entrances. This project implements both of these policies by providing pedestrian walkways throughout Phase I and Phase II. The walkways connect the streets with the development and one building with another. The applicant has also designed the Phase III building footprint so that it is oriented toward Paseo Padre Parkway, creating structures with more appropriate human scale.

Policy LU 2.9 states that public open spaces shall be strongly encouraged throughout the CBD. This project implements this policy by providing a staff patio in between the Phase I and Phase II buildings and an open plaza and patio on the side of Phase II that faces Paseo Padre Parkway. Eventually, when the Phase III building is constructed the plaza/patio will be located in between the Phase II and Phase III buildings.

Policy LU 2.10 states that the city should to encourage publicly visible artworks in new private developments. The applicant has agreed to provide publicly visible art made of glass. Once the applicant has chosen the art to be considered, it will be brought back to the Planning Commission for final approval.

Policy LU 2.6 states that the development of the CBD should be guided by a design and development plan. That plan is the Central Business District Concept Plan, adopted by the City Council on November 6, 2001. This project is also consistent with that plan

The Fremont Central Business District Concept Plan (CBDPC) designates the corner of Stevenson Boulevard as a "gateway to the Central Business District that should be improved to reflect its importance" (CBDPC, pg. 41). The intent of the Central Business District Concept Plan is to:

- Encourage open space improvements such as fountains, sculpture and public art should be implemented as a key means of creating quality open space areas (pg. 42).
- Allow for parking reductions when structured and underground parking is provided. Parking exemptions and per square foot parking reductions (number of spaces per square foot of development) may be granted for creative parking solutions (pg. 76).
- Allow for reduced parking within one-half mile of the Fremont Bart Station (pg. 77).
- Encourage developers to locate parking behind or next to buildings, whether in parking structures or surface lots (pg. 82).
- Provide landscape buffers for surface parking that face any street frontage (pg. 83).

The current design of Phase II and the proposed placement of Phase III implement each of these items. The applicant will reserve an easement for a future City CBD gateway feature (annotated on the site plan). The applicant will provide publicly visible glass art to be located on the building. The applicant will bring the art proposal back to the Planning Commission for final approval. The parking requirement is proposed to be temporarily reduced and deferred to a later date. Since the project provides for two levels of underground parking, and is just over 1/2 mile from the Fremont BART Station, staff believes a parking reduction could apply. The applicant will be able to conform to the parking requirements at the time Phase III is built out. The Phase III Building will be oriented toward the street and the parking will be built below the ground and to the sides of the building. The parking that faces Stevenson Boulevard and the corner of Stevenson and Paseo Padre Parkway are buffered by large berms of earth and landscaping. These are implemented to decrease the emphasis on the surface parking.

**Zoning Regulations:** According to the original Planned District approval, all land uses allowed in the C-O (Administrative Office) Zoning District would be appropriate for this site. The Planned District also allows for some very limited commercial retail. Buildings used for health services are identified as a permitted use.

The Zoning Ordinance states that a Planned District allows for some flexibility with building and site standards. Section 8-21811 states that standards for area, coverage, yard requirements shall be governed by the standards of the zoning district most similar in nature and function. In this case, it is those of the C-O District. In the C-O Zoning District there are no coverage limits. The minimum yard width adjacent to streets is 15 feet. The applicant has proposed a 25-foot

landscape buffer along the Stevenson Boulevard/Paseo Padre Parkway street frontage. In the C-O District the minimum side and rear yard setbacks are 10 feet from other buildings or the property line. This project is proposed to be placed about 39 feet from the Phase I building and 43 feet from the rear property line. While the C-O Zoning District allows a Floor Area Ratio of .30, this project site is located in the Central Business District and a Floor Area Ratio of .50 is permitted. The applicant is proposing a total Floor Area Ratio of .39 for both the existing Phase I and Phase II. As described, the project meets the requirements of the Zoning Ordinance.

**Parking:** The parking ratio for the site is 1 parking space for every 200 sq. ft. of floor area. For the build-out of both phases, the site would require 660 parking stalls. The existing building site was required to provide 292 parking stalls. The current site would be required to provide the remaining 368 parking stalls. However, the Central Business District Concept Plan allows for some credit to be given for providing underground parking. This project includes underground parking and thus, qualifies for a 2% decrease in the parking requirement. Though the applicant has an existing reciprocal easement with adjacent property owners to allow for reciprocal parking, ingress and egress rights, those adjacent developments were also granted parking credit. Knowing about the parking credit, the City requested that the applicant prepare an onsite parking survey (attached for your review) for the current medical facility. According to this survey, even with the existing reduction of parking on the other properties, there appears to be no parking problems on this site.

When the applicant met with the City about the placement of the Phase III building, there was a request by the applicant for the City to allow a temporary reduction in parking and defer conformance to the parking requirements to the Phase III Site and Architectural approval. The City staff agreed to present the request to the Planning Commission for approval, given the parking survey results, the project's proximity to BART and current staff observations. The applicant asked that the City allow for only 305 parking stalls for Phase II. That would be a temporary reduction of 63 stalls from the required 368. The applicant was asked to agree to a condition that if the use intensified to require the additional parking, prior to the Phase III approval, that the applicant would construct the remaining parking onsite. The applicant agreed to that condition.

**Open Space/Landscaping:** As noted earlier in this report, the project has a large amount of landscaping, both existing with Phase I and proposed with Phase II. There will be a 25-foot landscape buffer along the corner of Stevenson and Paseo Padre that is planted with mature deciduous and evergreen trees. The trees that are not thriving will be removed. New trees will be planted both in the landscape buffer and throughout the project site. Some of the species include, but are not limited to: Gingko, Crape Myrtle, Strawberry Tree, Japanese Maple, Sweet Gum and Coast Live Oak. Trees and ground cover will be planted in landscape areas within the parking lot.

A patio/plaza will be developed between Phase II and Phase III. The patio will have large trees planted in raised planters and seating areas where people can congregate and relax. There will be another Staff Patio, a walkway and additional softscape located in between the Phase I and Phase II buildings. Small trees will be located within this area along with shrubbery and ground cover. The pedestrian access from Paseo Padre Parkway will also eventually be lined with trees. The building site of Phase III will be covered with grass. The applicant will hydroseed the area and irrigate it so that it stays green until the new phase is built.

**City Landscape Architect Review of Proposed Tree Removal and Preservation:** The portion of the site designated for new development contains 123 mature trees as listed in the Tree Inventory Report prepared by Ray Morneau December 22, 2003. In addition, there is a Liquidamber tree on an adjacent property that will be impacted by the development. A total of 39 trees are designated for removal as a result of unavoidable conflicts with the proposed development. Many of these trees were installed as part of the site work for Phase I and have a diameter at breast height (DBH) of less than 6". Others slated for removal have a DBH between 6" to 12". The removal of these trees will have little effect on City's urban forest due to their small size. Mitigation for the removal of these trees shall be the upsizing of 39 trees throughout the site to 24" Box. This is consistent with the provisions of the Tree Preservation Ordinance. The remaining 84 trees on-site and one tree off-site shall be preserved.

The trees designated for preservation will require specific tree protection measures that may include construction of retaining walls, relocation of curbs, paving, utilities and modifications to grading. The City shall hire an Arborist at the applicant's expense to analyze the impacts of the development on the trees and prepare specific guidelines for the preservation of these trees during the Development Organization review.

**Waste Management:** This project is subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939), the City's Source Reduction and Recycling Element (1992), the Integrated Waste Management Ordinance (1995), and the Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. The buildings for Phases I and II require a total of about 480 square feet of exterior storage for trash and recycling. They are currently proposing to provide 512 square feet of area for this purpose.

## **DESIGN ANALYSIS:**

**Architecture:** The Planned District conditions established for this property indicated that the architectural style of the new buildings should relate to the existing buildings within the district. The architectural style of the proposed building will be identical to the Phase I building. Taking from the Phase I building, the new Phase II building will be rectilinear. The operational requirements for a medical facility necessitate immediate adjacency between the various functions. This form has been found to be the most efficient. The "boxy" building form fits with the style of buildings in the vicinity.

The architectural treatment of the existing building on site and on adjacent sites, that are part of the Planned District, include extensive amounts of black glass with horizontal bands of white pre-cast concrete to create buildings with a simple, yet streamlined architectural style. The treatments selected for the proposed building will be identical to the existing Palo Alto Medical Foundation building. The applicant is proposing to use off-white concrete wall panels for the exterior walls. Like in the Phase I building, the applicant has proposed to use solar gray glass to complement the use of black glass in existing buildings on adjacent sites.

Like the Phase I building, the Phase II building will be symmetrical, though its main entrance will face north. The roof will be silver metal, matching the existing building. There will also be an accent color in a grayish-green that will be used to tie the proposed building into the current building.

**Site Planning:** The Planned District conditions established for this property indicated that all proposed building additions needed to be sited to form a contiguous landscape and pedestrian circulation network. The site design achieves that though it steps away from the original "pin-wheel" orientation of the buildings and creates new pockets of open space between buildings. A new patio will be built on the east side of Phase II, in between Phase II and Phase III.

## **ENGINEERING ANALYSIS:**

**Circulation/Access Analysis:** Vehicular access to the project site is available from three driveways on Kearney Street and one driveway on Stevenson Boulevard. Existing sidewalks from Kearney Street and new sidewalks from Paseo Padre Parkway provide pedestrian access through the site. The on-site surface parking and circulation has been designed to conform to Zoning Ordinance standards.

The number of trips anticipated from this project could be considered typical of a commercial development. The project site was already considered for commercial development during the rezoning of the project to a Planned District back in the early eighties. Phase I of the Palo Alto Medical Group's campus (the existing two-story, 54, 800 sq. ft. medical office building and parking) consisted of a planned district amendment that was significantly less than what had originally been planned for the site (a 12-14 story building). The expansion of this campus to include a three-story, 73,600 sq. ft. office building (with two levels of underground parking) is still significantly less intense development than what was originally planned. According to the applicant's traffic consultant, Fehr & Peers, this project is estimated to generate between 2,230 and 2,690 average daily trips depending on the Institute of Traffic Engineers (ITE) land use classification. The increase in traffic will not lead to traffic congestion.

**Parking Structure:** The project includes two levels of parking underneath the proposed medical building. This parking structure and the parking stalls within, are constrained by the size, shape, and structural design of the building. Because of these constraints, the underground parking does not meet FMC section 8-22009(g)(2), which requires a minimum ten-foot inside wheel radius at changes in drive aisle direction, for minor drive aisles. The applicant's architect has requested a deviation from the strict application of this development standard and has responded, "the layout is efficient and works within the structural building grid system."

The requirement to provide minimum ten-foot inside wheel radii provides areas at drive aisle intersections for vehicles to negotiate right-hand turns with relative ease, without having to impede the travel of oncoming vehicles at the intersection. The applicant's proposal will require vehicles to travel more slowly around corners and may lead, at times, to situations where vehicles may have to back-up to let other vehicles through a turn. Typically, drivers will expect a more constrained layout in a subterranean parking garage and adjust their driving accordingly. The proposed layout is not ideal, but staff thinks that the design will function without creating detrimental situations for drivers or pedestrians, and therefore recommends approval of this project.

**Grading/Topography:** The project site is partially developed with an existing medical office building, associated parking lot, and some landscaped gardens. The remainder of the site is a vacant field. The site is predominantly flat, with finished grade elevations that vary between 58 feet and 63 feet. The project proposes the construction of a new medical office building, including two levels of underground parking, and a surface parking lot.

Grading for this project will consist of excavation for the subterranean garage, excavation for storm drain facilities, and removal of some of the landscaped mounds east of the existing office building and next to the Stevenson Boulevard driveway. The majority of the grading will be the excavation for the garage. The applicant has indicated an interest in receiving a grading permit, in advance of the building permit, in order to begin excavation and export of soil within the garage area. The total estimated grading will exceed 1,000 cubic yards, therefore, prior to issuance of a grading permit, a Preliminary Grading Plan application must be made for Planning Commission review and approval. The applicant has indicated that a Preliminary Grading Plan application is forthcoming for Commission consideration in the near future.

**Drainage:** The project site is crossed by an existing thirty-six inch public storm drainpipe, to which all the existing and proposed on-site storm drains connect. The on-site storm drain system is proposed as a series of catch basins within the parking lot and landscape areas that will connect via underground pipes to the existing public storm drain. The existing drain will require relocation as a part of the Phase III improvements. The drainage system shall be subject to approval of the City Engineer and the Alameda County Flood Control and Water Conservation District.

**Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board. The applicant's engineer has proposed the installation of an underground storm water treatment device to collect and separate pollutants from the on-site storm drain system.

**ENVIRONMENTAL ANALYSIS:** An Initial Study and Draft Mitigated Negative Declaration, has been prepared for this project. The environmental analysis identified concerns regarding potential impacts to water quality, traffic circulation and current noise levels. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures contained within the draft Mitigated Negative Declaration. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission and is included as an enclosure.

#### **Response from Agencies and Organizations:**

No comments were made by any public agency or private businesses. Citizens and neighborhood groups did not comment about this project.

#### **APPLICABLE FEES:**

**Development Impact Fees:** This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

**ENCLOSURES:** Exhibit "A" (Planned District Major Amendment Exhibit)  
Exhibit "B" (Site Plan, Elevations, Landscape Plan)  
Exhibit "C" (Findings and Conditions)  
Initial Study, Draft Mitigated Negative Declaration and Certificate of Fee Exemption

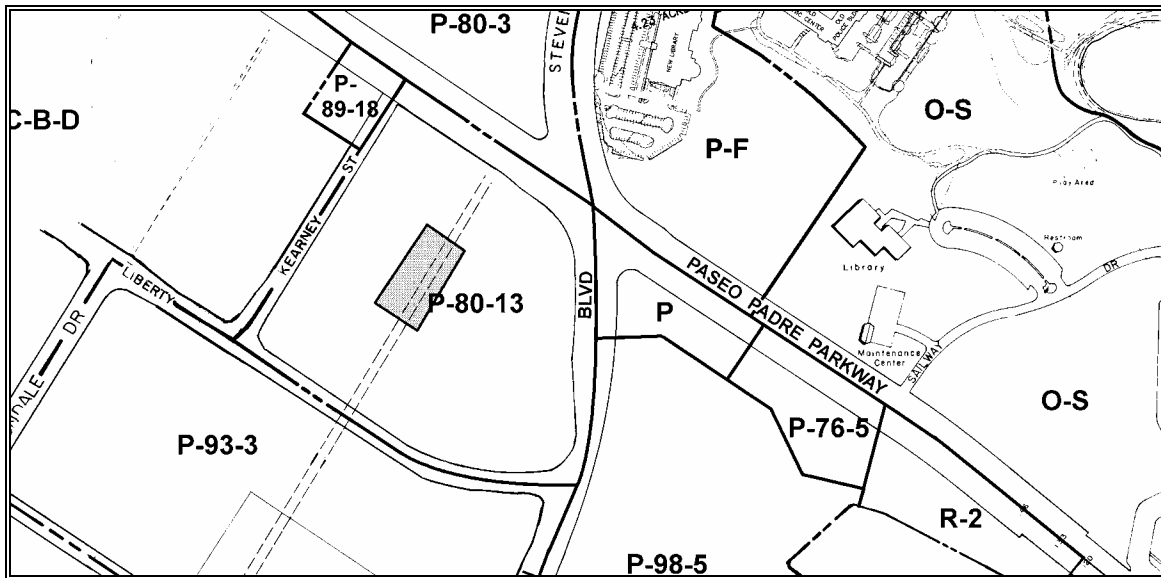
**EXHIBITS:** Exhibit "A" (Planned District Major Amendment Exhibit)  
Exhibit "B" (Site Plan, Elevations, Landscape Plan)  
Exhibit "C" (Findings and Conditions)  
Exhibit "D" (Material and Color Boards)

**Recommended Actions:**

1. Hold public hearing.
2. Find the initial study conducted for the project has evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources. Therefore, find that there is no evidence the project would have any potential for adverse effect on wildlife resources and recommend the filing of a Certificate of Fee Exemption for the project.
3. Recommend to the City Council that they adopt the Draft Mitigated Negative Declaration for the project finding that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment and further finding that this action reflects the independent judgment of the City of Fremont.
4. Recommend to the City Council that they approve a Mitigation Monitoring Plan for the project.
5. Recommend to the City Council that they find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report. The project conforms to the goals and policies as enumerated in the staff report and findings exhibit adopted/recommended herewith.
6. Recommend to the City Council that they approve PLN2004-00139, as shown on Exhibit "A" and Exhibit "B" and subject to findings and conditions in Exhibit "C"

# Existing Zoning

Shaded Area represents the Project Site



# Existing General Plan





**Exhibit "C"**  
**Palo Alto Medical Foundation Building #2 – Kearney Street**  
**(PLN2004-00139)**

**FINDINGS:**

Based on the information in the staff report to the Planning Commission dated April 22, 2004, and the testimony at the public hearing, the Planning Commission finds as follows:

1. The proposed "P" district, an amendment to a Planned District, or given unit thereof, can be substantially completed within four years of the establishment.

This is Phase II of a three phase project. In 1997, the applicant brought Phase I to the Planning Commission and City Council for a Planned District Major Amendment and Site and Architectural Approval. The applicant built the first phase within the four-year time period. When Phase I was approved, the applicant expected to proceed with Phase II within ten years. This date is within that time-frame.

2. Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.

This proposal is an amendment to an already approved Planned District, and all of the qualifications for the original Planned District would still apply. The Phase II building that is proposed will exist in concert with the Phase I building. However, those buildings can and will exist independently of the other buildings within the Planned District. The proposed use of the Phase II Building will not be detrimental to present and potential surrounding uses because they are similar to the uses that exist within the Planned District. All of the uses within this Planned District are allowed within the Central Business District designation.

3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P district.

The number of trips anticipated from this project could be considered typical of a commercial development. The project site was already considered for commercial development during the rezoning of the project to a Planned District back in the early eighties. Phase I of the Palo Alto Medical Group's campus (the existing two-story, 54, 800 sq. ft. medical office building and parking) consisted of a planned district amendment that was significantly less than what had originally been planned for the site (a 12 to 14 story building). The expansion of this campus to include a three-story, 73,600 sq. ft. office building (with two levels of underground parking) is still significantly less intense development than what was originally planned. According to the applicant's traffic consultant, Fehr & Peers, this project is estimated to generate between 2,230 and 2,690 average daily trips depending on the ITE land use classification. Stevenson Boulevard is classified as an arterial roadway and Paseo Padre Parkway is classified as a parkway. Both are designed to carry high traffic loads a day. They are currently running at Level of Service C, above City of Fremont traffic standards. The increase in trips to this site is well within the parameters of the roadways' design. Therefore, developing the site based on this approval will not negatively affect traffic patterns or lead to traffic congestion.

4. Any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed. The project site is located within the Central Business District (CBD) land use designation.

The CBD has 4 major medical centers within its boundaries and many more minor health related offices or clusters of health related offices. The medical staff from the Palo Alto Medical Foundation facility is actively involved with their patients when they are admitted into Washington Hospital. Having the facility located close to the hospital and located within central Fremont help keep the doctors close to their patients.

5. Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the planning commission and the city council.

There are two exceptions that are required by the proposed project.

The parking reduction of 63 spaces will be allowed for Phase II of this development. A condition in this exhibit exists to say that if the use of the site creates the need for additional parking, the applicant will be required, at that time, to create additional surface parking on the building site of Phase III. Otherwise, compliance with the parking requirements will be deferred until Phase III proceeds through Site Plan and Architectural Approval. That future development shall be required to conform to the parking requirements in effect at the time of review with addition of those deferred spaces, unless a permanent parking reduction is approved.

The inside wheel turning radii within the garage is less than the code requirement of 10-feet (FMC 8-22009(g)(2)). The City of Fremont does not have different parking/circulation standards for structured parking versus surface parking. The Engineering Division has determined that this deviation from the standard is expected given the confinement of structured parking. Staff has reviewed the proposed radii, and is in support of the deviation since it has no detrimental affect to the City or the use of the structure.

6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

The Planned District was created in 1980 to allow for higher density office and commercial uses. The actual physical development within the Planned District has been of a lesser intensity than what was originally envisioned. In addition, all of the uses within this Planned District are allowed within the Central Business District designation and are compatible with each other.

7. The P district is in conformance with the general plan of the City of Fremont.

Based on the information in the staff report it is clear that the "P" district amendment conforms to the general goals, policies and the land use designation for the site.

8. Existing or proposed utility services are adequate for the project.

In 1980, the site was originally planned to be an office complex with a fourteen-story, 257,656 sq. ft. building as its focal point. Utilities were planned accordingly. The development that has occurred since that time has been less intense. In addition, the utility companies were notified of the development. They did not state that they will be unable to provide services to the site.

## **CONDITIONS:**

### **Prior to issuance of building permits:**

#### **General:**

- A-1 Approval of this Planned District shall be effective only after compliance with the requirements of Public Resources Code section 21089, pertaining to payment of fees to the California Department of Fish and Game, to be submitted with the Environmental Notice of Determination, due within five (5) working days after the project approval.
- A-2 Approval of this amendment to a Planned District is based upon conformance with Exhibit "B" (Precise Site Plan, Building Floor Plans and Elevations, Preliminary Landscape Plan), and all conditions of approval for PLN2004-00139 as set forth in Exhibit "C". All colors and materials shall comply with those included in Exhibit "D", unless otherwise indicated in the conditions included herein.
- A-3 The proposed project shall conform to all relevant conditions of the original Planned District P-80-13. All uses on this site shall be the uses in the C-O Zoning District, per the Zoning Ordinance, as well as those included in the original Planned District Conditions of Approval.

- A-4 Phase III of the project will require a site plan and architectural review by the Planning Commission prior to its construction.
- A-5 Plans shall be submitted to the Development Organization for review to insure conformance with relevant codes, policies and other requirements of the Fremont Municipal Code.
- A-6 The plans and construction must conform to the 2001 CBC, CEC, CPC, CFC, CMC, and City of Fremont adopted codes and ordinances.
- A-7 A geotechnical study shall be prepared by the applicant at the building permit review stage. The study will ensure that the structures are built to minimize potential seismic safety issues as much as possible. Typical recommendations in such a study include the importation of non-expansive fill soil for the building pads, increased foundation trenching depths done relative to a non-expansive site, and appropriate surface soil compaction.
- A-8 No earlier than thirty days prior to commencement of any site grading, disk, testing or clean-up required by project mitigation measures, a site investigation shall be completed by a qualified wildlife biologist to determine the presence of burrowing owls. If burrowing owls are present, all work shall cease until the wildlife biologist has recommended appropriate actions to be taken to protect the owls. The applicant shall be responsible for the implementation of the protective actions, including relocation, prior to the commencement of any site work. The site investigation shall be subject to the approval of the Assistant City Manager.
- A-9 Minor modifications to building designs and elevations may be made subject to review and approval of the Assistant City Manager, if such modifications do not deviate from the architectural character of the original approval.
- A-10 The applicant shall be required to provide the site with publicly visible art. Currently, the applicant is interested in commissioning an artist to create a piece of glass art to be attached to the building. Once this is clarified it will be brought before the Planning Commission for approval. If the applicant wishes to change the type of art that is displayed, then the applicant must come before the Planning Commission for approval of the art chosen. The art must be chosen and installed by Palo Alto Medical Foundation prior to the Phase II certificate of occupancy.
- A-11 The project shall be subject to City-wide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. The fees shall be calculated at the fee rates in effect at the time of building permit issuance.
- A-12 Should any cultural resources or human remains be unearthed during site development work, work will immediately cease and the provisions of CEQA Guidelines, Article 5, Section 15064.5 will be followed.
- A-13 All roof mounted and other mechanical equipment shall be screened from view from adjacent public rights-of-way and other uses. No equipment shall project outside the face of the building, unless screened.
- A-14 All utility sources associated with the development of this project, including PG&E meters, and any roof mounted mechanical equipment shall be screened from view from the public right-of-way, and will be subject to the review and approval of staff during the Development Organization review process.
- A-15 Other than public roadway lights, no exterior lighting shall be permitted except those with a concealed source. No fluorescent "security lighting" sources shall be permitted on the exterior of the building unless they are adequately screened.
- A-16 Lighting fixtures in the parking areas shall be focused onto the project site and shielded away from adjacent roadways and residences. Additionally, the fixtures shall match existing fixtures on adjacent sites. The design and details will be subject to the review and approval of staff during the Development Organization review process.

- A-17 The parking reduction of 63 spaces shall be applicable to this phase of the development. If the use of the site creates the need for additional parking, the applicant will be required, at that time, to create additional surface parking on the building site of Phase III. Otherwise, compliance with the parking requirements will be deferred until Phase III proceeds through Site Plan and Architectural Approval. That future development shall be required to conform to the parking requirements in effect at the time of review with addition of those deferred spaces, unless a permanent parking reduction is approved.

***Environmental Services:***

- B-1 External refuse and recycling storage areas (enclosures) shall be located with or near the service and loading areas for each building, and shall allow easy access by collection vehicles. They shall be designed and sized in compliance with FMC Section 8-22155 and the City's Waste Handling & Recycling Requirements and Policies (09/2002). The minimum exterior storage capacity for the expanded enclosure is 480 square feet.
- B-2 A Project Waste Handling Plan must be completed by the applicant and returned to the Environmental Services Division before any demolition or construction permits are issued. The form can be obtained through the City of Fremont Environmental Services Division, 39550 Liberty Street, Fremont.
- B-3 After the project is complete, the applicant must document actual disposal and diversion by completing and returning the Post-Project Waste Disposal & Diversion Report to Environmental Services (form is attached at the end of the Waste Handling Requirements document). A reference guide to building materials recycling is available through the Environmental Services Division.

***Engineering:***

- C-1 The applicant shall apply for and obtain an encroachment permit for all improvements within the public right-of-way. Improvements within the public right-of-way shall conform to City standards. The encroachment permit shall be obtained prior to or concurrently with issuance of the building permit.
- C-2 The applicant shall submit a detailed soils report, including recommendations regarding pavement structural sections, prepared by a qualified soils engineer registered by the State of California. The soils report shall include specific recommendations for on site pavement areas that will experience repeated exposure to heavy vehicle loads.
- C-3 Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.
- C-4 The applicant shall provide hydraulic calculations and drainage maps for the proposed storm drain system before or with the Pre-Final Development Organization submittal. The calculations shall demonstrate that the storm drain system, including the proposed "CDS storm water treatment unit or equal" and the existing drainage facilities to remain, has capacity to accommodate the runoff from this project and the future phase 3 project. Storm drain plans, drainage maps, and hydraulic/hydrologic calculations are subject to review and approval of staff during Development Organization.
- C-5 Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
- C-6 Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
- C-7 The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer or Alameda County Flood Control and Water Conservation District. A separate plan shall be submitted for this purpose during Development Organization.

- C-8 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- C-9 Prior to issuance of a building or grading permit for land disturbance greater than one acre, the developer is to provide evidence that a Notice of Intent has been filed and with the State of California Water Resources Control Board. Evidence shall include the WDID number assigned by the State. The developer is responsible for insuring that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan (SWPPP).
- C-10 The applicant shall provide evidence to the City Engineer that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan, subject to the review and approval of the City Engineer prior to the issuance of building permits for the project.
- C-11 The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District (BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.
- C-12 The developer and/or contractor shall notify Underground Service Alert (U.S.A.) at 1-800-227-2600 at least two working days before beginning any excavation for this project. A prominent note shall be included in the project plans requiring the notification of U.S.A.
- C-13 The applicant must provide a plan for the use and security of the underground parking garage. In that plan provide the following minimum information: users of parking (employees only or public), hours of parking availability, and security measures proposed (i.e. cameras, security gate, lighting etc.). This plan must be approved by staff during D.O. review.
- C-14 The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.
- C-15 The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
- C-16 In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owner shall enter into a maintenance agreement for the long-term operation and maintenance of on-site storm water treatment measures. The agreement shall run with the land.

***Landscape:***

- D-1 The following on site trees are to be preserved, numbers 39-49 and 51-123 as identified in the Tree Inventory Report prepared by Ray Morneau December 22, 2003.
- D-2 The trees designated for preservation will require specific tree protection measures that may include construction of retaining walls, relocation of curbs, paving, utilities and modifications to grading. The City shall hire an arborist at the client's expense to analyze the impacts of the development on the trees and prepare specific guidelines for the preservation of these trees during the Development Organization review. Trees of particular concern are # 39-46, 79-82, 56-60 and 116-123 and the 5" DBH Liquidambar on the adjacent property to the south.
- D-3 All planting areas containing trees shall be free of all utility structures (including light standards). Clearances between utilities and trees shall conform to SD-34 City Standard Street Tree Clearances.
- D-4 A landscape plan shall be submitted to the Development Organization, as directed by the City Landscape Architect, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type

fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:

- a) An underground irrigation plan.
- b) Weed control specifications.
- c) A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
- d) Construction details of raised planters, walkways, paths, benches, walls, fences, trellised, and other architectural features as appropriate to the project.

- D-5 The applicant shall provide clearly marked pedestrian links from the proposed building to connect with the existing building and the parking lots. These shall be reviewed as part of the landscape plan.
- D-6 The details of the outdoor seating area, adjacent to the single story building shall be provided for staff review and approval during D.O.
- D-7 The applicant shall provide a pedestrian link from the proposed building to connect with Stevenson Boulevard. That link shall be reviewed during D.O. review as part of the landscape plan. Proposed pedestrian pathway from Paseo Padre Parkway shall be relocated to so as not to pass between trees 80 and 81. The final location shall be subject to recommendations of the City hired arborist and approval of staff during the Development Organization Review.
- D-8 Mitigation for the removal of 39 trees shall be the upsizing of 39 proposed 15 gallon trees to 24" Box trees subject to staff approval during the Development Organization Review.
- D-9 Applicant shall provide details of hydro-seed mix and provide hydro-seed establishment specifications subject to staff approval during the Development Organization review. Occupancy to building two shall not be given until a stand of hydro-seeded plant material is established to the satisfaction of the City Landscape Architect.
- D-10 Applicant shall provide two 24" Box size Pinus canariensis planted on the existing mound along Stevenson Boulevard, one between existing trees 71 and 72 and the other between trees 76 and 78.
- D-11 Street trees were not installed as part of the site work for Building one. Applicant shall provide 24" Box Platanus acerifolia street trees along Kearny St @ 35' on center in the existing planting strip along the entire property frontage.
- D-12 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. A current copy of the LDRP is available at the Engineering Counter.
- D-13 Planting areas containing trees over the parking structure shall have a minimum soil depth of 40" and minimum width of 10'. The applicant shall provide sections showing materials, soil depth and drainage to the development organization for staff review.
- D-14 The site incorporates open space landscaped areas along the parameter of the site, near the existing and proposed buildings and within parking areas. This proposal will involve the introduction of a designed and integrated complex of vegetation for the buildings and surrounding parking facilities. The City's Landscape Architect will determine the suitability of vegetation and incorporation of compatible shrubs and ground covers in the proposed landscaping.

- D-15 Per FMC 8-22009, parking lots require one (1) tree per every three (3) parking spaces on all parking areas adjacent to the property perimeter. The applicant shall provide three large canopy trees and complete landscaping for the new parking area at the north corner of the development.

***Fire Department:***

- E-1 The applicant shall meet all requirements in the 2001 California fire code and all local amendments to that code in Ordinance #2485.
- E-2 The applicant shall install an automatic fire sprinkler system in the building for fire protection purposes. Waterflow and control valves must be monitored by a central alarm monitoring system and Central Station, except single family dwellings. The monitoring system shall have a smoke detector placed over the fire panel, a pull station, and an audible device located in a normally occupied location.
- E-3 Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13.
- E-4 All Automatic Fire Suppression Systems Fire Department Connections shall have an address placard installed at the connection.
- E-5 Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Please include cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and N.F.P.A 14
- E-6 The applicant shall provide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. UFC 902.2.1.
- E-7 The applicant shall provide required fire flow (hydrants) on site prior to construction or storage of combustible materials. U.F.C 903.2 & Appendix IIIA. Fire hydrant jumper lines must be at least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed.
- E-8 The applicant shall have a key box (Knox brand) located outside of building/gate and provide keys to the Fire Department so they may gain access. Vehicle gates may use Knox lock or keyed over-ride switch. Application can be obtained at Fire Administration office, 3300 Capitol Avenue, Fremont.
- E-9 The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the U.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
- E-10 Fire Department Connections for all sprinkler system must be located not more than 100 feet from a fire hydrant. N.F.P.A. 14. All inlets shall have Knox type caps installed.
- E-11 The applicant shall provide a civil utility plan that indicates the location of Fire Department Connections, and Post Indicator Valves. The hydrant spacing can not be approved with out this information on the same sheet.
- E-12 The applicant shall move the proposed relocation of the fire hydrant at Phase III drop off area to the planter across the drive aisle from it proposed location. The location of the F.D.C for the Phase III building may play a role on its location.
- E-13 The applicant shall provide an additional hatch on the roof for the east stair well. The hatch location must be approved by the Fire Department.

### ***Hazardous Materials Unit:***

- F-1 The applicant must submit, prior to the issuance of building permits, a building occupancy classification inventory form or hazardous materials inventory statement (HMIS), material safety data sheets (MSDSs) and a process description for all hazardous materials to be used, stored, or handled. These must accompany the final design submittals and any subsequent tenant improvement plans. If no hazardous materials will be on-site the applicant must prepare and submit a written disclosure letter.
- F-2 The property owner or applicant must also notify a prospective tenant that they may be required to submit, to the Fire Department, a hazardous materials inventory statement (HMIS), material safety data sheets (MSDSs) and process descriptions for all hazardous materials to be used, stored, or handled.
- F-3 The applicant must complete a hazardous materials business plan (HMBP) pursuant to Chapter 6.95 of California's Health and Safety Code and Title 19, section 2620-2732, of California's Code of Regulations (CCR).
- F-4 Fire Department approval of the HMBP must be received and any necessary storage or operating permit(s) secured prior to moving hazardous materials onto the site.
- F-5 The applicant must develop a risk management program (RMP) that conforms to Chapter 6.95 of California's Health and Safety Code and Title 19, section 2620-2732, of California's Code of Regulations (CCR).
- F-6 Applicant shall receive Fire Department approval prior to the issuance of building permits.
- F-7 The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District (BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.
- F-8 The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.
- F-9 The applicant must submit a Phase 1 and/or Phase 2 environmental site assessment(s). Additional requirements, remediation and/or clearances from Alameda County Health Department, Alameda County Water District, Regional Water Control Board, Department of Toxic Substances Control, or other agencies may be established subsequent to staff's review.
- F-10 The applicant, on-site contractors, agents or representatives, shall immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

### ***During Construction***

- 1) Landscaping shall be designed with an efficient irrigation system to reduce runoff and promote surface filtration and, at the same time, minimize the use of fertilizers, herbicides and pesticides which can contribute to urban runoff pollution, subject to the review and approval of staff during the Development Organization review process. All landscaping shall be properly maintained.
- 2) All metal roofs, including galvanized roofs shall be coated with an anti-rust paint, subject to the review and approval of staff during the Development Organization review process.
- 3) Hours of construction shall be limited to 7 a.m. to 6 p.m. Monday through Friday, and 9 a.m. to 6 p.m. Saturday. No construction shall be permitted on Sundays. Failure to comply with the hours of operation, as listed above, will result in withholding of inspections.



- 4) The project shall comply with dust suppression measures. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage. Paving shall be completed as soon as is practicable to reduce time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be re-vegetated to minimize the generation of dust. Street sweeping shall be conducted to control dust and dirt tracked from the project site off site. A person shall be designated to oversee the implementation of dust control
- 5) To reduce dust, the Phase III building site must be landscaped with Hydroseed and irrigated to maintain the subsequent lawn. The only reasons the lawn may be removed are to build Phase III of the campus or to create more parking per condition A-13.

**Prior to release of building for occupancy:**

The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.

All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). Annual cleaning shall include inspection, maintenance, and/or replacement of catch basin filter inserts. The City Engineer may require additional cleaning

All public and private storm drain inlets shall be labeled "No Dumping - Drains to Bay", using stencils purchased from the Alameda County Urban Runoff Clean Water Program, located at 951 Turner Court, Hayward, California. Color and type of paint used shall be subject to the review and approval of the City Engineer prior to the issuance of building permits for the project.

**After Occupancy:**

The applicant, at the time of occupancy, shall provide the users of the building information on good housekeeping with regards to the use and disposal of hazardous materials, subject to the review and approval of the City Engineer, prior to the issuance of building permits for this project.

The project architect/ engineer shall submit a letter to the City certifying the building has been constructed in conformance with the approved architectural plan, subject to the review and approval of the Assistant City Manager.

To oversee the hazardous materials use and disposal, a Hazardous Materials Business Plan will be approved by and filed with the Fremont Fire Department within 30 days of occupancy.

# EXHIBIT "A"

Attached to and made a part of

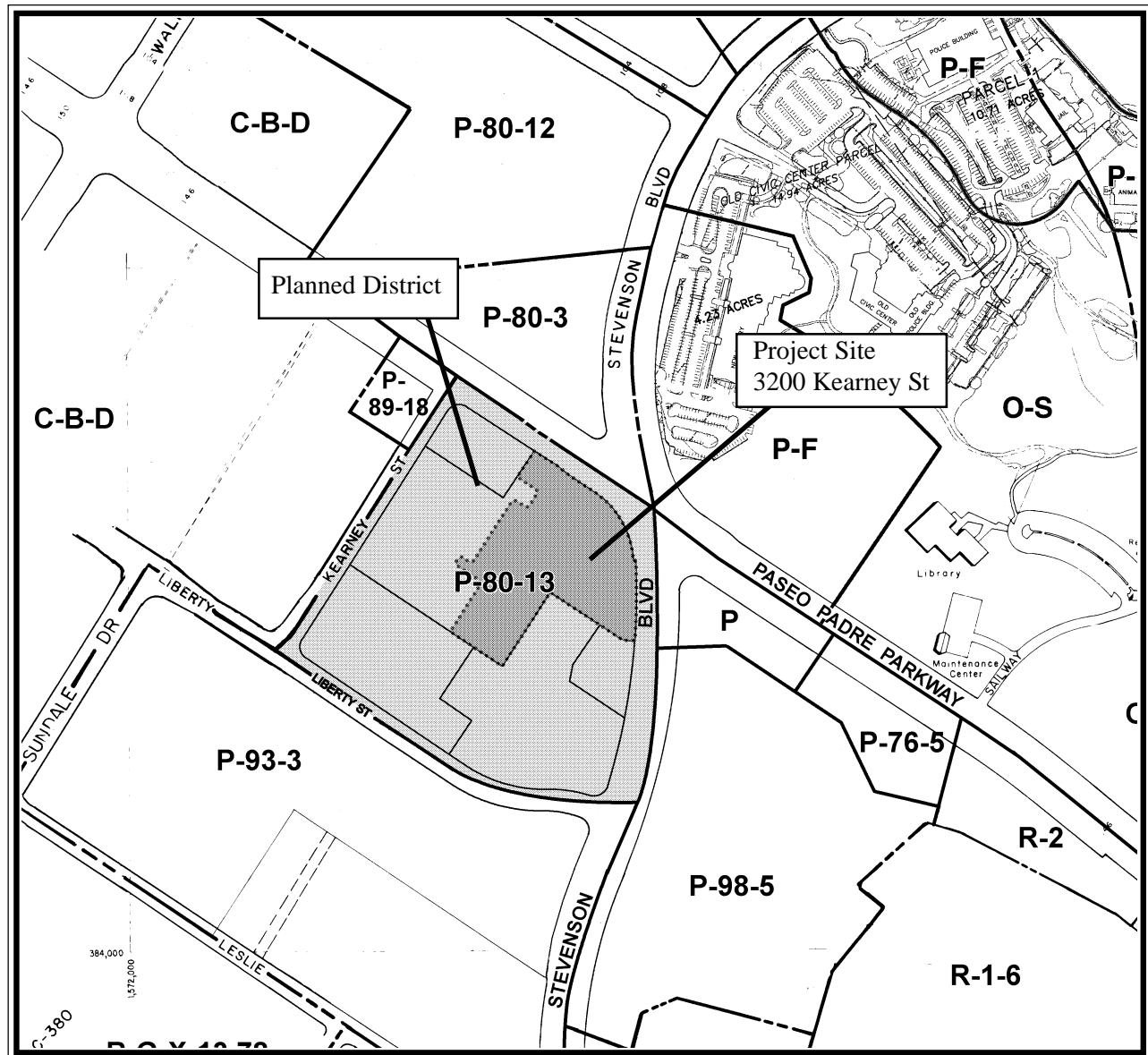
**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** 04 .

## ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE INDUSTRIAL PLANNING AREA



**From: P-80-13**

**To: P-80-13**

**Project Name:** Palo Alto Medical Clinic Foundation Building 2

**Project Number:** PLN2004-00139 (pd major amend)

